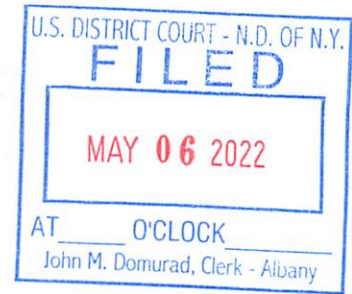


UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK



THE UNITED STATES OF AMERICA *ex rel.* )  
FOX UNLIMITED ENTERPRISES, LLP, )  
 )  
Plaintiff/Relator, )  
 )  
v. )  
 )  
HENSEL PHELPS CONSTRUCTION CO., )  
 )  
Defendant. )  
\_\_\_\_\_ )

No. 1:22-cv-355 (GLS/CFH)

**FILED UNDER SEAL**

**UNITED STATES' NOTICE OF ELECTION TO INTERVENE**

Pursuant to the False Claims Act, 31 U.S.C. §§ 3730(b)(2) and (4), the United States notifies the Court that it hereby intervenes in this action. Together with this Notice, the United States is filing a settlement agreement that it has entered with Hensel Phelps Construction Company and the Relator. That agreement requires Hensel Phelps to make \$2,804,110.40 payment to the United States within 10 days and \$62,783.90 payment to the Relator within seven days, after which the parties will file a Joint Stipulation of Dismissal pursuant to Rule 41(a)(1) of the Federal Rules of Civil Procedure. Upon dismissal, no claims in this action will remain pending.

A proposed order accompanies this Notice.

Dated: May 6, 2022

Respectfully submitted,

CARLA B. FREEDMAN  
United States Attorney

By: /s/ Adam J. Katz  
Adam J. Katz  
Assistant United States Attorney  
Bar Roll No. 517894